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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,130	04/20/2001	Berthold Maiwald	31976-170659	-9531

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 05/02/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/838,130	MAIWALD ET AL.
Examiner	Art Unit	
Laura E. Edwards	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 March 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 32-46 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5, 10, 16, 18, 19, 22-24, 26 and 29 is/are rejected.
- 7) Claim(s) 6-9, 11-15, 17, 20, 21, 25, 27, 28, 30 and 31 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group I, claims 1-31 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16, lines 1-2, "said monitoring means" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 10, 18, 19, 22, 24, 26, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmermund (US 4,119,058).

Schmermund teaches an adhesive applicator comprising at least one source of adhesive (not numbered), an applicator or nozzle (12) having an adhesive discharge orifice adjacent a course for an elongated substrate (26), means for connecting the source with the applicator (see

housing bore- not numbered; col. 7, lines 9-12) and at least one rotary valve or rotor (14) enabling interruption of the flow of adhesive in the connecting means (see col. 8, lines 12-17).

With respect to claims 2 and 3, see at least one irregularity including land (16) and groove (15).

With respect to claim 4, the housing bore as discussed in col. 7, lines 9-12, which is not numbered, constitutes a housing for the rotor.

With respect to claim 5, the adhesive is placed in a storage chamber (36).

With respect to claim 10, compressed air is supplied to the applicator via duct (22) to dispense glue from the discharge orifice and said compressed air can be increased or decreased as evidenced by (col. 8, lines 1-29) such that inherently, the pressure of adhesive would be varied within the applicator including in the connecting means.

With respect to claim 18, see embodiments of Figs. 5-8 where plural nozzles and plural valves having lands and grooves are utilized (see col. 9, lines 8+).

With respect to claim 22, the housing bore (as mentioned above) constitutes a hollow stator and the rotary valve constitutes a rotatable rotor.

With respect to claims 24 and 26, see Fig. 5 with nozzles (63a-c) each with an outlet orifice adjacent a different portion of the course and the connecting means including conduits (64a-c) for each of the nozzles and each connecting the source of glue with the respective nozzle. Also see col. 9, lines 12+.

With respect to claim 29, the grooves around the rotor or rotary valve are arcuate in shape.

Claims 1-4, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Drozkowski (DE 19714029).

Drozkowski teaches an adhesive applicator comprising at least one source of adhesive (not numbered), an applicator or nozzle (12) having an adhesive discharge orifice adjacent a course for an elongated substrate (42), means (11) for connecting the source with the applicator and at least one rotary valve or rotor (26) enabling interruption of the flow of adhesive in the connecting means.

With respect to claims 2 and 3, see at least one irregularity including a projection (not numbered on the rotary valve.

With respect to claim 4, see housing chamber (25) that holds the rotor.

With respect to claims 22 and 23, the housing chamber or bore (25) constitutes a hollow stator and the rotary valve constitutes a rotatable rotor. The hollow stator is constructed and arranged relative to the rotor to allow the adhesive to flow in an arcuate path or groove wherein the arcuate path or groove is less than 360 degrees.

Allowable Subject Matter

Claims 6-9, 11-15, 17, 20, 21, 25, 27, 28, 30, and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 16 would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C.-112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose the state of the art with respect apparatus for coating a cigarette paper web or cigarette packaging material: Cutright et al (US 5,360,516) and Spada (US 5,766,121 and US 5,895,553).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura E. Edwards whose telephone number is (703) 308-4252. The examiner can normally be reached on M-Th/First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and Same as above for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Laura E. Edwards
Primary Examiner
Art Unit 1734

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April 30, 2003